

REMARKS

Claims 1, 2 and 5-14, and 56-68 are pending in this application. By this Amendment, the title is amended, claim 1 is amended, claims 3, 4 and 15-55 are canceled.

In particular, claim 1 is amended to incorporate the subject matter recited in claims 3 ✓ and 4, and recites a magnetic gap formed in a laser beam output position in the laser beam output surface, and having a length smaller than a spot diameter of the laser beam in the laser beam output surface. (See the specification at for example, page 6, lines 7-9, and page 21, lines 11-12) Accordingly, claims 3 and 4 are canceled. Reconsideration of the application is respectfully requested.

Applicant appreciates the Office Action's indication that claim 8 is allowed. =

Applicant thanks Examiner Psitos for the courtesy extended to Applicant's representative, Mr. Luo, during the July 21, 2003 telephone interview. The substance of the ✓ July 21 telephone interview is incorporated in the following remarks.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution; and (c) place the application in better form for appeal, should an appeal be necessary. Entry of the amendments is thus respectfully requested. NO
YES
NO

The Office Action maintains the finality of the Restriction Requirement. Applicant respectfully submits that, based on the patentability of claim 1, as discussed below, claims 12-14 and 56-65 should be rejoined because of their dependence on claim 1.

Claims 15-55 are canceled in view of the finality of the Restriction Requirement. Applicant expressly reserves the right to file a divisional application to further pursue the subject matter recited therein. ?

The Office Action objects to the title. The title is amended. Withdrawal of the objection to the title is respectfully requested. ←

The Office Action rejects claims 1, 2, 11 and 66 under 35 U.S.C. §103(a) over either U.S. Patent 6,272,097 to Nakao et al. in view of U.S. Patent 5,402,293 to Smith, or, alternatively, U.S. Patent 5,199,090 to Bell in view of U.S. Patent 5,986,978 to Rottmayer et al. This rejection is respectfully traversed.

The Office Action admits that Nakao does not disclose or suggest a pair of poles opposed to each other via a magnetic gap. However, the Office Action asserts that Smith discloses this feature. {Applicant respectfully submits that Nakao and Smith, either individually or in combination, do not disclose, teach or suggest a magnetic gap having a length smaller than a spot diameter of the laser beam in the laser beam output surface, as recited in claims 1, 2, 5-14 and 56-66.} true not so please

As admitted above in the Office Action, Nakao does not disclose or suggest a pair of poles opposed to each other via a magnetic gap. Therefore, Nakao does not disclose, teach or suggest a magnetic gap having a length smaller than a spot diameter of a laser beam in a laser beam output surface, as recited in claims 1, 2, 5-14 and 56-66.

Smith discloses a magnetic head in which a laser beam passes through an aperture 322. See Fig. 4 and col. 6, lines 17-28 of Smith. Nowhere does Smith disclose, teach or suggest a magnetic gap having a length smaller than the spot diameter of the laser beam in the laser beam output surface, as recited in claims 1, 2, 5-14 and 56-66. Accordingly, Smith does not supply the subject matter admitted above as lacking in Nakao. Thus, Nakao and

Smith, either individually or in combination, do not disclose, teach or suggest the subject matter recited in claims 1, 2, 5-14 and 56-66.

The Office Action admits that Bell does not disclose, teach or suggest a thin film structure. However, the Office Action asserts that Rottmayer discloses this feature.

Applicant respectfully submits that Bell and Rottmayer, either individually or in combination, do not disclose, teach or suggest a magnetic gap having a length smaller than a spot diameter of the laser beam in a laser beam output surface, as recited in claims 1, 2, 5-14 and 56-66.

Bell discloses a device in which a laser beam passes through a common waveguide 73i onto a medium 76. See Fig. 11 and col. 10, lines 66 – col. 11, line 18 of Bell. The magnetic field generated by coil 80b and distributed in the common waveguide 73i is parallel to the direction of the laser beam and perpendicular to the laser beam output surface. See Fig. 11 of Bell. Bell does not disclose, teach or suggest a magnetic gap formed in a laser beam output position in the laser beam output surface, and having a length smaller than the spot diameter of the laser beam in the laser beam output surface, as recited in claims 1, 2, 5-14 and 56-66.

Rottmayer discloses a recording head of high track density combined with a near field magneto-optical write element. See col. 2, lines 3-7 of Rottmayer. Nowhere does Rottmayer disclose, teach or suggest a magnetic gap having a length smaller than a spot diameter of the laser beam in the laser beam output surface, as recited in claims 1, 2, 5-14 and 56-66.

Therefore, Rottmayer does not supply the subject matter outlined above as lacking in Bell. Accordingly, Bell and Rottmayer, either individually or in combination, do not disclose, teach or suggest the subject matter recited in claims 1, 2, 5-7, 9-14 and 56-65.

For at least the above reasons, withdrawal of the rejection of claims 1, 2, 11 and 66 under 35 U.S.C. §103(a) is respectfully requested.

The Office Action rejects claims 3-5 and 9 under 35 U.S.C. §103(a) over Nakao in view of Smith, or Bell in view of Rottmayer, and further in view of U.S. Patent 5,886,959 to Bischoff et al. This rejection is moot with respect to the canceled claims 3 and 4, and is respectfully traversed with respect to the remaining claims.

Bischoff discloses a device having a coil 44 wound around a central optical passage 70. The dimensions of optical passage 70 are chosen so as "not to interfere with the free passage of the optical beam 72". See Fig. 10 and col. 5. lines 8-10 of Bischoff. Nowhere does Bischoff disclose, teach or suggest a magnetic gap formed in a laser beam output position in the laser beam output surface, having a length smaller than the spot diameter of the laser beam in the laser beam output surface, as recited in claims 1, 2, 5-14 and 56-66. Therefore, Bischoff does not supply the subject matter outlined as lacking in Nakao, Smith, Bell and Rottmayer. Accordingly, Nakao, Smith, Bell, Rottmayer and Bischoff, either individually or in combination, do not disclose, teach or suggest the subject matter recited in claims 1, 2, 5-7, 9-14 or 56-66. Withdrawal of the rejection of claims 5 and 9 under 35 U.S.C. §103(a) is respectfully requested.

*w/o argues
disagree*

The Office Action rejects claims 6 and 7 under 35 U.S.C. §103(a) over Nakao in view of Smith, or Bell in view of Rottmayer, and further in view of U.S. Patent 5,615,183 to Ishii et al. This rejection is respectfully traversed.

Ishii discloses a magnetic head 108 with a coil 2 formed by wire loops wound around a core member 4. See Fig. 3c and col. 3, lines 21-37 of Ishii. Nowhere does Ishii disclose, teach or suggest a magnetic gap having a length smaller than the spot diameter of the laser beam in the laser beam output surface, as recited in claims 1, 2, 5-7, 9-14 and 56-66. Therefore, Ishii does not supply the subject matter outlined above as lacking in Nakao, Smith, Bell and Rottmayer. Accordingly, Nakao, Smith, Bell, Rottmayer and Ishii, either individually or in combination, do not disclose, teach or suggest the subject matter recited in

claims 6 and 7. Withdrawal of the rejection of claims 6 and 7 under 35 U.S.C. §103(a) is respectfully requested.

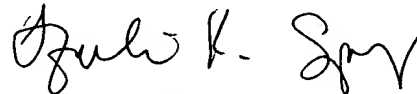
The Office Action rejects claim 10 under 35 U.S.C. §103(a) over Nakao in view of Smith, or Bell in view of Rottmayer, and further in view of the Official Notice. This rejection is respectfully traversed.

The Official Notice states that the vertical cavity surface emitting semiconductor recited in claim 10 is considered to be of a well known type of semiconductor. However, Applicant respectfully submits that the Official Notice does not address a magnetic gap having a length smaller than the spot diameter of the laser beam in the laser beam output surface, as recited in claims 1, 2, 5-7, 9-14 and 56-66. Therefore, the Official Notice does not supply the subject matter outlined above as lacking in Nakao, Smith, Bell and Rottmayer. Accordingly, Nakao, Smith, Bell, Rottmayer and the Official Notice, either individually or in combination, do not disclose, teach or suggest the subject matter recited in claim 10. Withdrawal of the rejection of claim 10 under 35 U.S.C. §103(a) is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 2, 5-7, 9-14 and 56-66, in addition to claim 8 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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